

ESTTA Tracking number: **ESTTA753844**

Filing date: **06/22/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212950
Party	Plaintiff McDonald's Corporation
Correspondence Address	JOHN A CULLIS REED SMITH LLP 10 SOUTH WACKER DRIVE, SUITE 4000 CHICAGO, IL 60606-7507 UNITED STATES ipdocket-chi@reedsmith.com, ljames@reedsmith.com, jcullis@reedsmith.com, mthelwell@reedsmith.com, mbenson@reedsmith.com, jnew-man@reedsmith.com
Submission	Withdrawal of Opposition
Filer's Name	Lawrence E. James, Jr.
Filer's e-mail	ipdocket-chi@reedsmith.com, ljames@reedsmith.com, jcullis@reedsmith.com, mthelwell@reedsmith.com, mbenson@reedsmith.com
Signature	/Lawrence E. James, Jr./
Date	06/22/2016
Attachments	Stipulated_Dismissal_91212950.pdf(10992 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial Nos.:

79/111,190 for McFIT

79/129,412 for McFIT (& Design)

79,129,414 for McFIT (& Design)

Published in the Official Gazette
on May 14, 2013, March 4, 2014 and
March 11, 2014, respectively.

McDONALD’S CORPORATION,

Opposer,

v.

McFIT GMBH,

Applicant.

Opposition No. 91212950
(parent)

Opposition No. 91215647

**STIPULATED DISMISSAL OF
PROCEEDING PURSUANT TO SETTLEMENT AGREEMENT**

Opposer, McDonald’s Corporation (“McDonald’s”), together with Applicant, McFit GmbH (“Applicant”), owner of the Applications Serial Nos. 79/111,190; 79/129,412; and 79,129,414, having reached a settlement and, in accordance with their agreement (the “Settlement Agreement”), hereby stipulate to the dismissal of Opposition No. 91212950, without prejudice.

WHEREFORE, McDonald’s and Applicant mutually request that the Trademark Trial and Appeal Board enter an order effecting the stipulation of the parties as follows:

1. Pursuant to the terms of the Settlement Agreement, Applicant hereby expressly abandons Trademarks Serial Nos. 79/111,190 for McFIT; 79/129,412 for McFIT (& Design); and 79,129,414 for McFIT (& Design) with consent of McDonald's and without prejudice; and

2. Pursuant to the terms of the Settlement Agreement, McDonald's hereby expressly withdraws Opposition No. 91212950 with Applicant's consent and without prejudice.

Date: June 22, 2016

Respectfully submitted,

MCDONALD'S CORPORATION

McFIT GMBH

By: /Lawrence E. James Jr./

By: /Stacey C. Friends /

Robert E. Browne
John A. Cullis
Lawrence E. James, Jr.
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606-7507
(312) 207-1000 Telephone
(312) 207-6400 Facsimile

Stacey C. Friends
Christopher P. Litterio
Mike J. Duffy
Ruberto, Israel & Weiner, PC
225 State Street. 7th Floor
Boston, MA 02109
(617) 742-4200 Telephone
trademark@riw.com

CERTIFICATE OF SERVICE

I, Lawrence E. James, Jr., an attorney, state that I served a true and correct copy of
Stipulated Dismissal of Proceeding Pursuant to Settlement Agreement upon Counsel for
Applicant:

Stacey C. Friends
Ruberto, Israel & Weiner, PC
255 State Street, 7th Floor
Boston, Massachusetts 02109

via First Class U.S. Mail on June 22, 2016.

/Lawrence E. James, Jr./
Lawrence E. James, Jr.